

ed, and have this day, at 3:45 o'clock p. m., presented the same to the Governor for his signature.

DAVIS, Chairman.

On motion of Senator Jarvis,
The Senate adjourned till 10 o'clock to-morrow morning.

SEVENTY-SECOND DAY.

SENATE CHAMBER,
AUSTIN, April 6, 1889.

Senate met pursuant to adjournment.

Lieutenant Governor Wheeler in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain, Dr. Smoot.

On motion of Senator Cranford,
The reading of the Journal of yesterday was dispensed with.

On motion of Senator Claiborne,
Senator Allen was excused for the afternoon.

On motion of Senator Woodward,
Senator Abercrombie was excused for to-day.

On motion of Senator Kimbrough,
Senator Glasscock was excused for to-day, on account of important business.

On motion of Senator Claiborne,
Senator Morris was excused till Monday, on account of important business.

REPORTS OF STANDING COMMITTEES.

By Senator Cranford:

COMMITTEE ROOM,
AUSTIN, April 6, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 317, being "An act for the relief of J. W. Bronaugh, providing for the payment of treasury warrant No. 1247, with ten per cent interest thereon, which was issued to him February 6, 1861, for services rendered by him in the protection of the frontier prior to January 28, 1861,"

And find the same correctly engrossed.

CRANFORD,
Chairman.

COMMITTEE ROOM,
AUSTIN, April 5, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Internal Improvements, to whom was referred

House bill No. 540, entitled "An act to require railroad companies to construct and keep in repair crossings over their roads within enclosures, and also over the road wherever it has been or may be hereafter constructed between the residence and the farm pasture or timber lands of any citizen,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

POPE,
Chairman.

Bill read first time.

By Senator Pope:

COMMITTEE ROOM,
AUSTIN, April 5, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Internal Improvements, to whom was referred

Substitute House bill Nos. 222 and 223, entitled "An act to prohibit corporations from purchasing or acquiring any real estate within this State for speculative purposes and to provide penalties for violation of same,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

POPE,
Chairman.

Bill read first time.

BILLS AND RESOLUTIONS.

By Senator Davis:

Resolved, That a committee of five Senators be appointed by the President to inquire and report immediately what employes of the Senate shall be retained after the close of the session to perform any work, what the work shall be, for how long each shall be retained and the pay of each.

The resolution was adopted.

The President appointed to carry out the objects of the resolution Senators Davis, McDonald, Harrison, Field and Kimbrough.

Senator McDonald called up Senator Claiborne's resolution to adjourn sine die on the first day of April.

Senator McDonald moved to amend by saying 6 o'clock this afternoon.

Senator Burges moved to amend by saying 12 o'clock to-night, and

Senator Claiborne moved to adjourn 12 o'clock m. Monday.

The longest time being put first the Senate refused to adjourn 12 m. Monday.

The motion to adjourn 12 o'clock to-night was lost.

The amendment fixing the time for adjournment at 6 o'clock p. m. was adopted.

On motion of Senator Stephens,

House bill No. 452, a bill to be entitled "An act to amend an act to establish and maintain a system of public free schools for the State of Texas, by adding thereto a new section to be known as section 43b, providing for abolishing the office of county superintendent of public instruction wherever the county commissioners' court of any county shall deem it advisable to do so,"

Was laid before the Senate, read the second time, and passed to its third reading.

On motion of Senator Stephens,

The constitutional rule was suspended to place the bill on its third reading and final passage by the following vote:

YEAS—25.

Allen,	Kimbrough,
Armistead,	Lane,
Atlee,	Maetze,
Burges,	McDonald,
Claiborne,	Pope,
Cranford,	Seale,
Davis,	Sims,
Field,	Stephens,
Finley,	Townsend,
Frank,	Tyler,
Harrison,	Upshaw,
Ingram,	Woodward.
Jarvis,	

NAYS—None.

ABSENT—2.

Burney, Simkins.

The bill was read the third time and

Passed by the following vote:

YEAS—24.

Allen,	Atlee,
Armistead,	Burges,

Cranford,
Davis,
Field,
Finley,
Frank,
Harrison,
Ingram,
Jarvis,
Kimbrough,
Lane,

Maetze,
McDonald,
Pope,
Simkins,
Sims,
Stephens,
Townsend,
Tyler,
Upshaw,
Woodward.

NAYS—1.

Seale.

ABSENT—2.

Burney,

Claiborne.

On motion of Senator Burges, House bill No. 504, a bill to be entitled "An act to authorize the Commissioner of the General Land Office in certain cases to change the numbers of surveys made by virtue of alternate land certificates,"

Was taken up out of its regular order and read the second time.

Senator Stephens offered the following amendment:

Add to section 1 the following: "Or without the written consent of any settler upon such survey holding the same as school land under the laws of this State."

Lost.

The bill passed to its third reading.

On motion of Senator Burges the constitutional rule was suspended to put the bill on its third reading and final passage,

By the following vote:

YEAS—25.

Allen,	Kimbrough,
Armistead,	Lane,
Atlee,	Maetze,
Burges,	McDonald,
Burney,	Pope,
Claiborne,	Seale,
Cranford,	Sims,
Davis,	Townsend,
Field,	Tyler,
Finley,	Upshaw,
Frank,	Woodward.
Ingram,	

NAYS—3.

Harrison,
Jarvis,

Stephens.

ABSENT—1.

Simkins.

The bill was read the third time, and

Passed by the following vote:

YEAS—21.

Allen,	Kimbrough,
Armistead,	Lane,
Burges,	Maetze,
Claiborne,	McDonald,
Cranford,	Seale,
Field,	Simkins,
Finley,	Sims,
Frank,	Tyler,
Harrison,	Upshaw,
Ingram,	Woodward.
Jarvis,	

NAYS—1.

Townsend.

ABSENT—5.

Atlee,	Pope,
Burney,	Stephens.
Davis,	

House bill No. 407, a bill to be entitled "An act to regulate the condemnation of property in cities and towns for the purpose of opening, widening or changing public streets, avenues or alleys, or for water mains or sewers, approved March 28, 1883,"

Was laid before the Senate, read the third time and passed.

Senate bill No. 317, a bill to be entitled "An act for the relief of J. M. Bronaugh, providing for the payment of treasury warrant No. 1247, with ten per cent interest thereon, which was issued to him February 6, 1861, for services rendered by him in the protection of the frontier prior to January 28, 1861,"

Was laid before the Senate, read the third time and passed by the following vote:

YEAS—16.

Atlee,	Maetze,
Burges,	McDonald,
Davis,	Pope,
Field,	Simkins,
Harrison,	Sims,
Ingram,	Tyler,
Jarvis,	Upshaw,
Lane,	Woodward.

NAYS—8.

Allen,	Frank,
Armistead,	Kimbrough,
Claiborne,	Seale,
Finley,	Townsend.

ABSENT—3.

Burney,	Stephens.
Cranford,	

Substitute House bill Nos. 59 and 362, entitled "An act to amend article 4238 of the Revised Statutes of the State of Texas, relating to the establishment of union depots at railroad crossings,"

Was laid before the Senate, read the third time and passed.

House bill No. 669, a bill to be entitled "An act to amend article 428, title 17, chapter 5, of the Revised Civil Statutes of Texas, and to validate levies and assessments of taxes made by cities for 1889,"

Was laid before the Senate, read the third time, and passed by the following vote:

YEAS—18.

Allen,	Lane,
Atlee,	Maetze,
Burges,	Pope,
Davis,	Simkins,
Field,	Sims,
Finley,	Stephens,
Harrison,	Tyler,
Jarvis,	Upshaw,
Kimbrough,	Woodward.

ABSENT—7.

Armistead,	McDonald,
Cranford,	Seale,
Frank,	Townsend.
Ingram,	

NAYS—2.

Burney,	Claiborne.
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The President referred House bill No. 677 to the Committee on State Affairs.

Senator Cranford sent up the following report:

COMMITTEE ROOM,
AUSTIN, April 6, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on State Affairs, to whom was referred

House bill No. 677, entitled "An act to amend section 116 of the city charter of the city of Galveston,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

CRANFORD,
Chairman.

Bill read first time.

The following messages were received from the House:

HOUSE OF REPRESENTATIVES,
AUSTIN, April 6, 1889.

Hon. T. B. Wheeler, President of the Senate:

SIR—The House has adopted the report of the free conference committee on substitute House bill No. 40, the land bill, and has also adopted the report of the free conference committee on House bill No. 396.

W. M. IMBODEN,
Chief Clerk House of Representatives.

HOUSE OF REPRESENTATIVES,
AUSTIN, April 6, 1889.

Hon. T. B. Wheeler, President of the Senate:

SIR—The House has passed

House bill No. 667, "An act to amend section 116 of the city charter of the city of Galveston,"

Under suspension of the constitutional rule;

And,

Senate bill No. 336, a bill to be entitled "An act to amend article 4101, title 84, chapter 1, and article 4278, title 84, chapter 13, of the Revised Civil Statutes of the State of Texas, providing for and regulating the incorporation of railroad companies,"

With an amendment.

W. M. IMBODEN,
Chief Clerk House of Representatives.

HOUSE OF REPRESENTATIVES,
AUSTIN, April 6, 1889.

Hon. T. B. Wheeler, President of the Senate:

SIR—I am directed to inform the Senate that the House has passed

Senate bill No. 143, a bill to be entitled "An act to provide for leasing the unorganized county school leagues,"

With House amendments,

And,

Senate bill No. 269, entitled "An act to validate certain surveys which for any reason might be deemed invalid, and to authorize the Commissioner of the General Land Office to issue patents therefor," with an amendment.

W. M. IMBODEN,
Chief Clerk House of Representatives.

The following was sent to the Secretary's desk to be spread upon the Journal.

We assign the following reasons for voting against House bill No. 605:

The bill makes it a crime to be punished by a fine of not less than seventy-five nor more than five hundred dollars for the violation of the section (2) of said bill, which reads as follows:

The State Superintendent shall require of county judges, county, city and town superintendents, county and city treasurers and treasurers of school boards, and other school officers and teachers, such school reports relating to the school fund and other school affairs as he may deem proper for collecting information and advancing the interests of the public schools, and shall furnish to county, city and town superintendents and other school officers and teachers, for the use of such officers and teachers, the necessary blanks and forms for making such reports and carrying out such instructions as may be required of them, and any county judge, or county, city or town superintendent, assessor, treasurer or teacher who shall fail to make such report within twenty days after the same shall have been required by the State Superintendent to be filed, shall be deemed guilty of a misdemeanor, and shall, on conviction, be fined in any sum not less than twenty-five dollars or more than five hundred dollars, the same to be paid when collected to the available school fund.

It is our opinion that no one man in the State of Texas should be clothed with as much power as is the Superintendent of Education by the provisions of this act. It is unreasonable, unjust and incapable of being enforced. Article 6 of the Penal Code reads as follows:

Article 6. Whenever it appears that a provision of the penal law is so indefinitely framed, or of such doubtful construction, that it can not be understood, either from the language in which it is expressed, or from some other written law of the State, such penal law shall be regarded as wholly inoperative, and we cannot think that this law can be sustained when considered in the light of this article, of the Penal Laws of the State of Texas.

BURGES,
SEALE,
UPSHAW.

I desire to place on record the reason that induced me to favor the majority report on house bill No. 627, known as "the Clements cotton bill."

In the Senate bill No. 211, known as "the Lane and Field bill," which regulated railroads and fixed maximum rates on all classes of freights, one of the articles specifically mentioned was cotton—being one of the largest products in the State it received the most careful consideration in the Senate, and

the rates were directly fixed at rates slightly higher than in the Clements bill. I supported the Lane and Field bill. It was killed in the House, and in my judgment that action precludes all further legislation on this bill, which simply seeks to fix rates on cotton alone.

Article 3, section 34, of the Constitution declares that when a bill has been considered and defeated in either house no bill containing the same substance shall become a law during the same session.

That other articles, except cotton, were enumerated in the Lane and Field bill, does not change the fact that the entire substance of the Clements bill was also contained in it, and therefore that it falls within the inhibition of the Constitution.

That such is the construction placed by Senators upon this section of this Constitution is shown by the fact that those who bitterly opposed the commission bill would not vote to kill it, but postponed it to a day certain because it fixed a maximum freight rate, and if killed would have precluded the consideration of the Lane and Field bill, which the majority of the anti-commission men favored.

I desire, further, to state that I favor the Clement bill and would vote for it could I do so without a violation of my oath to support the Constitution of the State.

SIMKINS.

Senator Pope offered the following resolution:

WHEREAS, The efforts being made by the citizens of Texas, and particularly by those of Austin, in behalf of the Confederate Soldiers' Home located at our Capitol, have been so liberally and generously aided by many people of the Union who were arrayed against us in the great civil war between the States, among whom we note some of the most distinguished in civic and military life; therefore, be it

Resolved by the Senate of Texas, That, in behalf of the people of this State, we hereby express our profound gratitude for this noble assistance rendered in establishing a "Home" for the Confederate soldiers of Texas whose wounds and misfortunes compel them in their declining years to seek a refuge under its roof.

Adopted.

On motion of Senator Stephens the Senate concurred in the House amendments to

Senate bill No. 143, a bill to be entitled "An act to provide for leasing the unorganized county school lands."

And to

Senate bill No. 269, a bill to be entitled "An act to validate certain surveys which for any reason might be deemed invalid, and to authorize the Commissioner of the General Land Office to issue patents therefor."

On motion of Senator Kimbrough

The Senate concurred in the House amendments to

Senate bill No. 336, a bill to be entitled "An act to amend article 4101, title 84, chapter 1, and article 4278, title 84, chapter 13, of the Revised Civil Statutes of the State of Texas, providing for and regulating the incorporation of railroad companies."

(Senator Kimbrough in the chair.)

On motion of Senator Claiborne,

House bill No. 677, a bill to be entitled "An act to amend section 116 of the city charter of the city of Galveston."

Was laid before the Senate.

On motion of Senator Claiborne,

The constitutional rule was suspended to read the bill the second time by the following vote:

YEAS—26.

Allen,
Armistead,
Atlee,
Burges,
Burney,
Claiborne,
Cranford,
Davis,
Field,
Finley,
Frank,
Harrison,
Ingram,

Jarvis,
Kimbrough,
Lane,
McDonald,
Pope,
Seale,
Simkins,
Sims,
Stephens,
Townsend,
Tyler,
Upshaw,
Woodward.

NAYS—None.

ABSENT—1.

Maetze.

On motion of Senator Claiborne,

The constitutional rule was suspended to place the bill on its third reading and final passage by the following vote:

YEAS—26.

Allen,
Armistead,
Atlee,
Burges,
Burney,
Claiborne,
Cranford,
Davis,
Field,
Finley,
Frank,
Ingram,
Harrison,

Jarvis,
Kimbrough,
Lane,
McDonald,
Pope,
Seale,
Simkins,
Sims,
Stephens,
Townsend,
Tyler,
Upshaw,
Woodward.

NAYS—None.

ABSENT—1.

Maetze.

The bill was read third time and passed by the following vote:

YEAS—26.

Allen,	Jarvis,
Armistead,	Kimbrough,
Atlee,	Lane,
Burges,	McDonald,
Burney,	Pope,
Clalborne,	Seale,
Cranford,	Simkins,
Davis,	Sims,
Field,	Stephens,
Finley,	Townsend,
Frank,	Tyler,
Harrison,	Upshaw,
Ingram,	Woodward.

NAYS—None.

ABSENT—1.

Maetze.

House Concurrent resolution for the relief of certain citizens of Brenham

Was laid before the Senate and read the third and passed.

Senator Jarvis sent up the following free conference committee report:

COMMITTEE ROOM,
AUSTIN, April 5, 1889.

Hon. T. B. Wheeler, President of the Senate, and Hon. F. P. Alexander, Speaker of the House of Representatives.

Your free conference committee appointed to consider the differences between the two houses on

Substitute House bill No. 360, being "An act making appropriations for the support of the State government for the years beginning March 1, 1889, and ending February 28, 1891, and for other purposes, have considered the same and beg to recommend as follows:

Under head of Executive Office, that the Senate recede from Senate amendment No. 1, striking out "special clerk."

That the Senate recede from Senate amendment No. 2, "providing for additional clerical assistance."

That the House concur in Senate amendment No. 3, increasing the appropriation for "postage, telegraphing, etc."

That the Senate recede from Senate amendment No. 3 1-2, making an ap-

propriation for improving "grounds and improving sidewalks."

TREASURY DEPARTMENT.

That the Senate recede from Senate amendment No. 5, providing for additional clerk hire.

That the House concur in Senate amendment No. 6, providing for a night watchman.

COMPTROLLER'S OFFICE.

That the Senate recede from Senate amendment No. 7, increasing the salary of chief book-keeper.

That the Senate recede from Senate amendment No. 8, striking out city and county bond register clerk, and that there be inserted in lieu thereof:

"Salary of a sheriff and witness account out, \$1,500 in both columns" who shall perform such other duties as required of him.

That the Senate recede from Senate amendment No. 9, striking out stenographic clerk.

That the House concur in Senate amendment No. 10, increasing the pay of second assistant clerks.

That the House concur in Senate amendment No. 11, striking out one porter.

That the Senate recede from Senate amendments Nos. 12, 13 and 14, changing the form of the House bill in reference to assessment rolls, books, contingent expenses, etc.

That the Senate recede from Senate amendment No. 15, adding night watchman.

GENERAL LAND OFFICE.

That the House concur in Senate amendment No. 17, reducing the number of general clerks; also that House concur in Senate amendment No. 18, providing for two "transcript clerks," also in Senate amendment No. 19, adding the word "telegraphing" after the word "postage;" also in Senate amendment No. 20, for repairs on building, amending the same by striking out the proviso in reference to moving the Land Office to the Capitol Building; also that the House concur in Senate amendment No. 21, making the whole appropriation for classification and sale of land in one item.

That line 18, page 4, be amended (salary of porter) by striking out 360 and inserting 480 in both columns.

ATTORNEY-GENERAL'S OFFICE.

That the House concur in Senate

amendment No. 22, striking out the word "felony;" also in Senate amendment No. 23, reducing the appropriation for law books, etc.

That the Senate recede from Senate amendment decreasing the cost of depositions, etc., and also from Senate amendment reducing the salary of porters.

ADJUTANT-GENERAL'S OFFICE.

That the House concur in Senate amendment No. 27, in so far as the phraseology of the House bill is changed, and that the Senate recede from that part of the amendment increasing the appropriation to \$15,000.

DEPARTMENT OF AGRICULTURE, INSURANCE, STATISTICS AND HISTORY.

That the House concur in Senate amendment No. 28, increasing the appropriation for geological survey.

SUPREME COURT.

That the House concur in Senate amendment No. 29, providing for librarian at Austin, Tyler and Galveston; also in Senate amendment No. 30, for bill of Callagan & Co.

COMMISSION OF APPEALS.

That the House concur in Senate amendment No. 31, providing for sheriff's attendance on court; also in Senate amendment No. 31 1-2, providing for porter's hire, changing the amendment to read \$360, instead of \$270.

COURT OF APPEALS.

That the House concur in Senate amendment No. 32, increasing the appropriation for record books, etc., from \$600 to \$750.

That the Senate recede from Senate amendment No. 33, increasing the appropriation for furniture.

That the House concur in Senate amendment No. 34, deficiency \$136.50 for books, etc.

PUBLIC BUILDINGS AND GROUNDS.

That the House concur in Senate amendment No. 36, superintendent's salary, raising same to \$1500.

That the Senate recede from Senate amendment No. 36 1-2, striking out electric light plant, and in lieu thereof that the bill be so amended to read: "For fencing and improving Capitol grounds; to purchase fixtures and to supply the building with light by contract or purchase, to include the wiring of the Capitol, to be let to the

lowest responsible bidder or bidders by a board hereby created for that purpose, composed of the Governor, Attorney-General and Superintendent of Public Buildings and Grounds, \$31,500, \$3500."

Amend by adding the following: "For putting in water pipes and protecting Capitol grounds, \$5000, \$2500."

PENSION DEPARTMENT.

That the House concur in Senate amendment No. 37, placing S. L. Chambliss on pension list.

STATE LUNATIC ASYLUM.

That the Senate recede from Senate amendment No. 38, increasing the salary of supervisors.

That the House concur in Senate amendments Nos. 39 and 40, decreasing the appropriation for groceries, etc., and for dry goods, etc.

That the Senate recede from Senate amendment No. 40, raising salary of scavenger.

That the House concur in Senate amendment No. 42, reducing the appropriation for repairs.

That the Senate recede from Senate amendment No. 43, striking out furniture for Superintendent's residence.

NORTH TEXAS INSANE ASYLUM.

That the Senate recede from Senate amendments Nos. 44 and 45, increasing pay of scavenger and matron.

That the House concur in Senate amendment No. 46, increasing the appropriation for groceries for the first year.

That the Senate recede from Senate amendment No. 47, reducing the appropriation for repairs.

BLIND ASYLUM.

That the House concur in Senate amendment No. 48, providing that the appropriation for miscellaneous shall also include the pay of the trustees monthly.

DEAF AND DUMB ASYLUM.

That the Senate recede from Senate amendments Nos. 49 and 50, increasing the salary of monitor and monitress.

That the House concur in Senate amendment No. 51, providing that the appropriation, etc., shall also include the pay of the trustees monthly.

AGRICULTURAL AND MECHANICAL COLLEGE.

That the House concur in Senate amendment No. 55, providing \$7500

for completing Assembly Hall and \$400 for furnishing Society Hall.

That the Senate recede from its several amendments providing for laboratories, horticultural department and foundry buildings, and that the House concur in that part of the amendment appropriating the interest on the State bonds held by the college fund.

DEAF AND DUMB ASYLUM FOR COLORED YOUTHS.

That the House concur in Senate amendments Nos. 56 and 57, providing for one cook and \$1000 for water supply and amending by striking out \$1000 and insert \$800.

That the House concur in Senate amendment No. 58, providing for electric light.

That the House concur in Senate amendment No. 59, providing that the miscellaneous appropriation, shall also include to the pay of trustees monthly.

REFORMATORY.

That the Senate recede from Senate amendments Nos. 64 and 65, increasing the appropriation for fuel and maintenance.

That the House concur in Senate amendment No. 66, providing for pay of trustees.

That the Senate recede from that part of Senate amendment providing for rewards for escaped inmates.

DEPARTMENT OF EDUCATION.

That the House concur in Senate amendment No. 52, providing building and equipments for Sam Houston Normal School, amending the same by placing "\$15,000" in first column, and "\$25,000" in second column.

That the Senate recede from Senate amendment No. 53, for books for Sam Houston Normal School.

STATE UNIVERSITY.

That the Senate recede from Senate amendment No. 54, and that the following be substituted therefor:

"For support of the University out of the general revenue; provided the University spend an equal amount out of the available University fund for completing and furnishing the building, \$25,000."

STATE PENITENTIARIES.

That the Senate recedes from Senate amendment No. 60, for pay of secretary out of penitentiary funds.

That the House concur in Senate amendment No. 61, striking out the

lines requiring money to be deposited in the treasury by the financial agent.

That the Senate recede from Senate amendments Nos. 62 and 63, raising the appropriation for transporting convicts, and providing sewerage at the penitentiaries.

That the Senate recede from Senate amendment appropriating \$100,000 for purchase of convict farms.

MISCELLANEOUS.

That the Senate recede from Senate amendments Nos. 69, 70, 71, 72, striking out provisions for relief of A. B. Harwell, C. R. Cox, Jas. H. McKinney, Jos. G. Cook.

That the House concur in Senate amendment No. 73, striking out relief for Jno. B. Reagan.

That the House concur in Senate amendments Nos. 77 and 78 for pay of State warrant and for relief of A. W. Murray.

That the House concur in Senate amendment No. 79, with the amendment that \$5000 be stricken out and \$2000 inserted, for collecting trustees funds.

That the Senate recede from Senate amendment No. 80, refunding patent fees to Capitol contractor.

That the House concur in Senate amendment No. 81, to pay H. B. Fontaine for services.

That the House concur in Senate amendment No. 82, for relief of Whitfield Chalk.

That the Senate recede from Senate amendments Nos. 83 and 84, to improve the roof of Senate Chamber and for relief of Oscar Martin.

That the House concur in Senate amendment No. 85, to pay T. M. Clarke four dollars and ninety cents.

That the House concur in Senate amendment No. 85 1-2, for pay of electors.

That the House concur in Senate amendment No. 86, making appropriation for deficiencies in appropriation for sheriff, clerk, witnesses, etc.

That the House concur in Senate amendment No. 87, for publishing Court of Appeal and Supreme Court reports.

That the House concur in Senate amendment No. 88, traveling expenses of superintendent of public buildings, etc.

That the House concur in Senate amendment No. 89, adding the words "out of general revenue," in University items.

That the House concur in Senate

amendment No. 90, raising salary of chief clerk of State Department.

That the House concur in Senate amendment No. 91, to Department of of Public Buildings and Grounds, increasing the pay for running elevator.

That the Senate recede from Senate amendment No. 92, Quarantine Department, raising the appropriation for purchasing tents, etc.

That the House concur in Senate amendment No. 93, for purchasing books for Supreme Court consultation room.

That the House concur in Senate amendment No. 94, for the relief of Mrs. C. M. Winkler.

That the House concur in Senate amendment No. 95, for pay of Huling Robertson for expenses to Washington.

That the Senate recede from Senate amendment No. 96, providing for a monument in San Antonio to the "Heroes of the Alamo."

Amend by adding for pay of night watchman in Comptroller's office for month of March and to April 6, 1889, \$87.50.

Amend by adding, under head of General Land Office, "For salary of calculator, \$1350," in both column.

JARVIS,
ARMISTEAD,
ABERCROMBIE,
LANE,
TYLER,
SIMKINS,
FIELD,
FRANK,
TOWNSEND,
BURNAY,

For Senate.

GESHAM,
WHATLEY,
MILLS,
ROWLAND,
BROWN of Grayson,
BROWN of Johnson,
HAYES,
CLEMENS,
TOWLES,
HAMBY,

For House

The report was adopted.

In presenting to Lieutenant Governor Wheeler, on the part of the Senate, a beautiful silver service, Senator Field said:

MR. PRESIDENT—Ages before you and I were born, nature as if to reserve for an appropriate time and purpose, wrapt in an unseemly garb and buried in the depths of the earth a piece of

precious ore, rolled on it the boulders of the mountains, piled up the sandstone and the earth, covered it over with a mantle of living green and reared above it great mountain oaks to mark its resting place. Rolling centuries in their cycles came and passed, and nature's secret still remained unknown. At last adventurous man in destined time found out its hiding place, threw off its green mantle, cast aside the earth which had so long oppressed it, blasted asunder the sandstone and the rock and brought it forth into the dazzling sunlight. Knowing the hidden beauty which lay concealed beneath its rough and ugly garb, he cast it in the burning furnace that heat might purify and brighten. Soon gliding from its burning bed a silvery stream appeared, leaping up as in joy to leave behind its rough and ugly garb; yet timid and trembling in its molten state, when touched by the cold breath at once shrunk back, relieved of dross, into its former state of beautiful, bright metal. Thus destined, the cunning hand of man soon formed and fashioned it into this beautiful silver service from whose bright face is truthfully reflected every object which casts its shadow on it.

This buried treasure of the ages, with legend so romantic that, beautified and made useful by dextrous and ingenious man, we, your friends, associates and admirers, Mr. President, members of the Twenty-first Legislature, have secured and now present to you, as an evidence of our high regard, as a fit tribute to the impartial and intelligent manner in which you have presided over our deliberations, and as a memento by which we hope to be long remembered by one so honored and esteemed.

In coming years, should kind fortune follow close upon your steps, we will all rejoice, but, should sorrow cast its shadow once across your path, be assured that from the donors of this talisman of love kind sympathy will come.

In reply, Governor Wheeler said that there were times when it was not possible for one to give expression to his feelings in language, and this was one of those occasions for him. He felt deeply the kindly spirit which prompted the occasion. He had been "watched," "chained," and even "caned," but he had never received a "service" with any more appreciation than in the present instance. Whenever he should

contemplate the brightly shining present it would bring to mind the unclouded feeling of cordiality and friendship that had existed between the members and the presiding officer of the Twenty-first Senate, and which should be as lasting as the precious metal of which the service was made. Upon every occasion when he should drink from those beautiful vessels he would take a bumper to the health of each and every member of the Senate of the Twenty-first Legislature.

By request of the pages of the Senate,

Dr. Smoot, the Senate Chaplain, in presenting to the President a gold-headed umbrella, said:

MR. PRESIDENT—It is with peculiar pleasure that I stand before you to-day as the Representatives of the Pages of the Senate. There are some scenes in life which cannot be forgotten, and this is one of them. This day's scene will live in our memory, because it comes from our hearts. The Senator from Robertson thrilled my heart as he spoke so eloquently in presenting the silver service, and now I come to hand you this umbrella in the name of the Pages. It is silk and gold, pure and beautiful. Shade as well as sunshine has its charms. The sweet singer of Israel sang of the rest to be found in the shadow of a great rock in a weary land. And from that time to the day when Tom Moore, in sweet melody, sang of the "Vale of Avoke" and its bosom of shade, there has been a charmin in the word. Accept this umbrella, sir, from these young gentlemen, who are to be our future legislators and governors. They are little gentlemen, now; their service has been efficient, and this is their expression of appreciation of our presiding officer.

Governor Wheeler expressed his appreciation of the present in the most appropriate terms.

On motion of Senator McDonald,

The Senate went into executive session.

IN SENATE.

On motion of Senator Tyler,

The results of the executive session were ordered printed in the Journal and the Governor to be notified, as follows:

The Senate advises and consents to the appointment of G. T. Todd and G. W. Breckenridge to be regents of the State University, and the following notaries public:

HEMPHILL COUNTY.

Mobeetie—M. M. French.

SCURRY COUNTY.

Snyder—A. C. Wilmeth.

M'LENNAN COUNTY.

Waco—R. M. Chamberlin.

ROBERTSON COUNTY.

Franklin—J. E. Crawford.

CHEROKEE COUNTY.

Rusk—T. C. Moore, J. F. Beall.

COLLIN COUNTY.

Farmersville—Eugene Houghton.

PARKER COUNTY.

Veal Station—D. N. Ferguson.

Freemont—John R. Bullinton.

Springtown—James M. McCracken.

Weatherford—Wright D. Taylor, C. F. Altfather, J. T. Johnson.

JACKSON COUNTY.

Ganado—L. Matthews.

JACK COUNTY.

Jacksboro—E. W. Nicholson, James Harper.

HEMPHILL COUNTY.

M. M. French.

BELL COUNTY.

Belton—J. P. Kinnard.

GOLIAD COUNTY.

Goliad—C. H. Maris.

WICHITA COUNTY.

Wichita Falls—W. H. Ballow.

POTTER COUNTY.

Amarillo—Thomas F. Turner.

SCURRY COUNTY.

Snyder—A. C. Wellinuth.

HARRIS COUNTY.

Spring—J. C. Sellers.

Houston—F. F. Chew.

WISE COUNTY.

Willow Point—J. W. Greenfield.
Alvord—J. O. Mode.

GRAYSON COUNTY.

Denison—L. L. Mays.

On motion of Senator Burney,
The Senate took a recess till 3:30
p. m.

AFTERNOON SESSION.

Senate met pursuant to adjournment.

Lieutenant-Governor Wheeler in the chair.

Roll called.

Quorum present.

Senator Davis sent up the following committee report:

COMMITTEE ROOM,
AUSTIN, April 6, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your special Committee appointed relative to index Journal, etc., beg leave to report that they recommend that the Secretary, C. M. Boynton, and Journal Clerk S. H. Johnson be retained for forty days each, for the purpose of indexing the Journal, and work incidental thereto.

Your committee further recommend that the Sergeant-at-Arms, W. F. Brewer, and the porter, Thornton Alexander, be retained for five days.

We further recommend that the employes, with the exception of the porter, be allowed five dollars, each per day for their services, and the porter three dollars per day, and that the Sergeant-at-Arms during the five days he remains be required to receive and forward the mail of the members, and after that time the Secretary be required to attend to the forwarding of all such mail.

DAVIS,
Chairman.

Senator Pope offered the following amendment to the report:

Amend by adding: "W. E. Donley, Assistant Secretary, be added to the list of retained employes, and that he be allowed for twenty days' service at \$5 per day."

Adopted by the following vote:

YEAS—16.

Armistead,
Burgess,
Burney,
Claiborne,
Cranford,
Harrison,
Ingram,
Jarvis,

Kimbrough,
Pope,
Seale,
Stephens,
Townsend,
Tyler,
Upshaw,
Woodward.

NAYS—9.

Allen,
Atlee,
Davis,
Field,
Finley.

Frank,
Lane,
McDonald,
Sims.

ABSENT—7.

Maetze,

Simkins.

Senator Claiborne moved to
Strike out "forty" and insert "thirty
days for Secretary and Journal Clerk."
Adopted.

Senator McDonald moved to
Amend by adding the "Calendar
Clerk for five days at \$5 per day."
Adopted.

Senator Lane moved to
Amend by making "W. E. Donley's
time thirty days."

Adopted by the following vote:

YEAS—14.

Armistead,
Burgess,
Burney,
Claiborne,
Cranford,
Frank,
Ingram,

Lane,
McDonald,
Pope,
Townsend,
Tyler,
Upshaw,
Woodward.

NAYS—9.

Atlee,
Davis,
Field,
Finley,
Harrison,

Maetze,
Seale,
Sims,
Stephens.

ABSENT—3.

Jarvis,
Kimbrough,

Seale.

(Senator Lane in the chair.)

Senator Claiborne moved to
Amend by striking out "thirty days"
whenever it occurs, and insert "twenty
days."

Senator Tyler moved to table the amendment.

The yeas and nays being called,
The following vote was taken:

YEAS—12.

Armistead,	Lane,
Burncy,	McDonald,
Cranford,	Stephens.
Davis,	Townsend,
Harrison,	Tyler,
Ingram,	Woodward.

NAYS—12.

Atlee,	Kimbrough,
Burges,	Maetze,
Claiborne,	Pope,
Field,	Seale,
Finley,	Sims,
Frank,	Upshaw.

ABSENT—2.

Jarvis,	Simkins,
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There being a tie vote, the chair voted "nay," and

The motion to table was lost.

Senator Harrison spoke in opposition to the amendment, and moved to amend the amendment by striking out "twenty" and inserting "twenty-five."

Senator Claiborne accepted the amendment.

The amendment as amended was adopted.

Senator Armistead offered the following proviso:

Provided that no one shall draw any pay under this violation except for the time he is actually engaged in his employment.

Adopted.

The report as amended was adopted.

Senator Stephens offered the following resolution:

Resolved, That the thanks of the Senate is hereby tendered the Hon. T. B. Wheeler for the able and impartial manner in which he has discharged the duties of President of the Senate,

Adopted by a unanimous vote.

The following messages were received from the House:

HOUSE OF REPRESENTATIVES,
AUSTIN, April 6, 1889.

Hon. T. B. Wheeler, President of the Senate:

SIR—The House has passed Senate bill No. 99, a bill to be entitled "An act to amend article 2916, title 53, chapter 1, of the Revised Statutes," with an amendment.

W. M. IMBODEN,
Chief Clerk House of Representatives.

On motion of Senator Kimbrough,

The Senate concurred in the House amendments to Senate bill No. 99.

HOUSE OF REPRESENTATIVES,
AUSTIN, April 6, 1889.

Hon. T. B. Wheeler, President of the Senate:

SIR—The House has adopted the report of the free conference committee on

Substitute House bill No. 360, the general appropriation bill.

W. M. IMBODEN,
Chief Clerk House of Representatives.

HOUSE OF REPRESENTATIVES,
AUSTIN, April 6, 1889.

Hon. T. B. Wheeler, President of the Senate:

SIR—The House has passed Senate joint resolution No. 16, amending article 10, section 2, of the Constitution of State of Texas, :

By a two-thirds vote—yeas, 78; nays, 7.

W. M. IMBODEN,
Chief Clerk House of Representatives.

HOUSE OF REPRESENTATIVES,
AUSTIN, April 6, 1889.

Hon. T. B. Wheeler, President of the Senate:

SIR—The House has passed House joint resolution No. 36, providing for what purpose the Senate Chamber and Hall of the House of Representatives may be used.

W. M. IMBODEN,
Chief Clerk House of Representatives.

The resolution was laid before the Senate and adopted.

Senator Lane offered the following resolution:

Resolved, That the Engrossing Clerk of the Senate be retained for five days after the Legislature adjourns, at five dollars per day, in order that he may deliver his bills to the Secretary of State and take his receipts therefor, and attend to other duties of his office.

Senator Kimbrough moved to Amend by retaining the Enrolling Clerk five days.

On motion of Senator Townsend the resolution and the amendment were tabled.

Senator Townsend sent up the following special committee report:

COMMITTEE ROOM,
AUSTIN, April 6, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your special committee of one,

which was appointed to investigate and report the name of the subject portrayed in the St. Louis Republic, whose name was not given, have had the matter under consideration, and after diligent inquiry and investigation, beg leave to report that said committee is yet in doubt as to who the subject is, but said committee is strongly of the opinion it is the Senator from Harrison, and base its conclusions on the reckless and indifferent air with which the cob pipe is handled, which of late has become so indispensable in State politics; besides, your committee had other reasons for its conclusions among others, the charitable manner in which a lamp post is supported. Then, again, the peaceful attitude of the subject speaks loudly of rest. The subject may have been selected and the cut made to fulfill the prophecy made a few days ago by a distinguished Senator on the floor, in a speech, when he said:

Thank God for rest, where none molest
And none can make afraid,
For peace that sits as plenty guest
Beneath the homestead shade.

In conclusion, your committee for fear injustice may be done the subject, respectfully beg leave to attach hereto said portrait, that each member of this body may judge for himself as to the semblance between portrait and Pope. "There is a tide in the affairs of men which, taken at flood, leads on to fortune and to fame." This is a Pope tide—not tied to the lamp post—but a wafting tide, and he may well exclaim to the St. Louis Republic, in the language of his friend, Mrs. Packard: "Inasmuch as ye have done it unto one of the least of these, my brethren, ye have done it unto me. Doubtless the Senator's vote and influence for the Packard insane asylum bill, and to spread the author's thanks upon the record, has kindled an intimacy between the Republic and Senator, which has resulted in this mutual admiration society between Packard, Pope and Paper.

TOWNSEND,
For Committee,

Senator Cranford sent up the following privileged report:

COMMITTEE ROOM,
AUSTIN, April 6, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Engrossed Bills

have carefully examined and compared

Senate bill No. 44, being "An act to amend article 3014, chapter 1, title LVII, Revised Civil Statutes of the State of Texas,"

And find the same correctly engrossed.

CRANFORD,
Chairman.

Senator Stephens offered the following resolution:

Resolved, That the Calendar Clerk of the Senate be required to furnish the Secretary of State with all of the original bills introduced in this body during this session of the Legislature, and that it shall be the duty of the Secretary of State to preserve said bills for future reference.

On motion of Senator Kimbrough, The resolution was adopted.

On motion of Senator Lane, The Senate proceeded to elect a President pro tem.

Senator Harrison nominated Senator Burges.

Senators Pope, Tyler, Claiborne, McDonald, Lane and Atlee seconded the nomination.

The President appointed as tellers, Senators Lane and Burney.

Senator Burges having received twenty-three votes, being the unanimous vote of all the Senators present, was declared duly elected President pro tem.

The President appointed Senators Pope, Seal'e and McDonald a committee of three to inform Senator Burges of his election and to escort him to the chair.

The committee escorted Senator Burges to the chair.

The President introduced Senator Burges, the President pro tem-elect, who accepted the office in a neat and fitting address of thanks.

The following messages were received from the House:

HOUSE OF REPRESENTATIVES,
AUSTIN, April 6, 1889.

Hon. T. B. Wheeler, President of the Senate:

SIR—The House has concurred in the Senate amendments to House bill No. 669.

W. M. IMBODEN,
Chief Clerk House of Representatives.

HOUSE OF REPRESENTATIVES,
AUSTIN, April 6, 1889.

Hon. T. B. Wheeler, President of the Senate:

SIR—The House has adopted the

Senate concurrent resolution to adjourn sine die at 6 o'clock p. m. today.

The House has adopted a concurrent resolution, as follows:

Resolved, That the Speaker be authorized to appoint a committee of three members of the House, to act with a like committee to be appointed by the President of the Senate, to notify his excellency, the Governor, that the two houses of the Twenty-first Legislature is now about to adjourn sine die, and they are ready to receive any communication he may desire to make.

Adopted.

And that Messrs. Jones, Dillard and Stevenson of Parker were appointed on such committee on the part of the House.

W. M. IMBODEN,
Chief Clerk House of Representatives.

After having publicly read their titles, the President gave notice of signing, and did sign in open session of the Senate, the following bills:

House bill No. 84, "An act to amend section 3 of an act entitled an act to amend articles 4662, 4664 and 4665, chapter 1, title 95 of the Revised Civil Statutes, as amended March 24, 1881, approved May 4, 1882."

House bill No. 396, "An act amending article 4520, title 91, chapter 1, of the Revised Civil Code of the State of Texas."

House bill No. 125, "An act to regulate the practice of pharmacy in the State of Texas and providing penalties for the enforcement of the same."

House bill No. 500, entitled "An act to authorize the Commissioner of Agriculture, Insurance, Statistics and History to sell certain weights and measures."

House bill No. 516, a bill to be entitled "An act to amend an act entitled an act to provide for the separation or partition of adjoining fences and to provide a penalty for the violation of the provisions of this act, passed by the Twentieth Legislature of the State of Texas, approved March 17, 1887."

House bill No. 618, entitled "An act authorizing the recording of transcript from the records of justices' courts in same manner and with like effect as deeds are now recorded when said transcripts are evidence of title to land;"

Senate bill No. 127, entitled "An act to require butchers and slaughterers of cattle to give a bond, and to prescribe penalties for violation of their duties, and to prevent the unlawful

slaughtering and selling of cattle killed for beef;"

Substitute Senate bill No. 169, "An act to provide for the survey, classification and disposition of the lands embraced in chapter 19 of the General Laws of the Sixteenth Legislature, approved February 25, 1879."

Substitute Senate bills Nos. 79, 91, 92 and House bill No. 636, a bill to be entitled "An act to create a more efficient road system for the State, and authorizing the employment of road commissioners, defining their duties and powers, and fixing a penalty for failure of duty, and further defining the duties and powers of commissioners' courts."

Senate bill No. 357, entitled "An act to amend article 4247, chapter 10, title 84, of the Revised Civil Statutes of the State of Texas."

Substitute House bill No. 40, a bill to be entitled "An act to amend sections 5, 8, 11, 13, 14, 15 and 22, chapter 99, of an act entitled an act to provide for the sale of all lands heretofore or hereafter surveyed and set apart for the benefit of the public free schools, the University and the several asylums, and the lease of such lands and of the public lands of the State and to prevent the free use, occupancy, unlawful appropriation of such lands, and to prescribe and provide adequate penalties therefor, approved April 1, 1887."

House bill No. 605, entitled "An act to amend section 19 of an act to establish and maintain a system of public free schools for the State of Texas, passed at the special session of the Eighteenth Legislature, which was presented to the Governor for his signature on the sixth day of February, 1884, and became a law without his approval."

House Substitute for Senate bill No. 18, a bill to be entitled "An act to authorize railroad companies in this State to provide separate coaches for white and colored passengers."

House bill No. 504, a bill to be entitled "An act to authorize the Commissioner of the General Land Office in cases to change the numbers of surveys made by virtue of alternate land certificates."

House bill No. 407, entitled "An act to regulate the condemnation of property in cities and towns for the purpose of opening, widening or changing public streets, avenues or alleys, or for water mains or sewers, approved March 28, 1883."

Substitute House bills No. 59 and

362, a bill to be entitled "An act to amend article 4238 of the Revised Statutes of the State of Texas;"

Senate joint resolution No. 16 amending article 10, section 2, of the Constitution of the State of Texas;

Senate bill No. 143, a bill to be entitled "An act to provide for leasing the unorganized county school lands;"

Senate bill No. 269, a bill to be entitled "An act to validate certain surveys which for any reason might be deemed invalid, and to authorize the Commissioner of the General Land Office to issue patents therefor;"

Senate bill No. 336, a bill to be entitled "An act to amend article 4101, title 84, chapter 1, and article 4278, title 84, chapter 13 of the Revised Civil Statutes of the State of Texas, providing for and regulating the incorporation of railroad companies."

House bill No. 669, "An act to amend article 426, title 17, chapter 5 of the Revised Civil Statutes of Texas, and to validate levies and assessments of taxes made by cities for 1889."

Substitute House bill No. 360, entitled "An act making appropriations for the support of the State government for the years beginning March 1, 1889, and ending February 28, 1891, and for other purposes."

House bill No. 677,

House bill No. 452,

Senate bill No. 99,

And

Substitute House bill No. 359.

On motion of Senator Lane the resolution was adopted.

And the President appointed on such committee, on the part of the Senate, Senators Upshaw, Stephens and Sims.

Senator Davis sent up the following privileged reports:

COMMITTEE ROOM,
AUSTIN, April 6, 1889.

Hon. F. P. Alexander, Speaker of the House of Representatives:

Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 99, being "An act to amend article 2916, title 53, chapter 1, of the Revised Statutes,"

And find the same correctly enrolled, and have this day, at 5 o'clock p. m., presented the same to the Governor for his signature,

DAVIS,
Chairman.

COMMITTEE ROOM,
AUSTIN, April 6, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 336, being "An act to amend article 4101, title 84, chapter 1 and article 4278, title 84, chapter 33, of the Revised Civil Statutes of the State of Texas, providing for and regulating the incorporation of railroad companies,"

And find the same correctly enrolled, and have this day, April, 1889, at 4:35 o'clock p. m., presented the same to the Governor for his signature.

DAVIS,
Chairman.

COMMITTEE ROOM,
AUSTIN, April 6, 1889.

Hon. F. P. Alexander, Speaker of the House of Representatives:

Your Committee on Enrolled Bills have carefully examined and compared

Senate joint resolution No. 16, amending article 10, section 2 of the Constitution of the State of Texas,

And find the same correctly enrolled, and have this day, at 4:35 o'clock p. m., presented the same to the Governor for his signature.

DAVIS,
Chairman.

COMMITTEE ROOM,
AUSTIN, April 6, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 143, being "An act to provide for leasing the unorganized county school lands,"

And find the same correctly enrolled, and have this day, at 4:35 o'clock p. m., presented the same to the Governor for his signature.

DAVIS,
Chairman.

COMMITTEE ROOM,
AUSTIN, April 6, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 269, being "An act to validate certain sureys which for any reason might be deemed invalid,

and to authorize the Commissioner of the General Land Office to issue patents therefor,"

And find the same correctly enrolled, and have this day, at 4:35 o'clock p. m., presented the same to the Governor for his signature.

DAVIS,
Chairman.

COMMITTEE ROOM,
AUSTIN, April 6, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 127, being "An act to require butchers and slaughterers of cattle to give a bond and to prescribe penalties for the violation of the conditions of the same, and to prevent unlawful slaughtering and selling of cattle."

And find the same correctly enrolled, and have this day, at 11:10 o'clock a. m., presented the same to the Governor for his signature.

DAVIS,
Chairman.

COMMITTEE ROOM,
AUSTIN, April 6, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 357, a bill to be entitled "An act to amend article 4247, chapter 10, title 84, of the Revised Civil Statutes of Texas,"

And find the same correctly enrolled, and have this day, at 11:10 o'clock a. m., presented the same to the Governor for his signature.

DAVIS,
Chairman.

COMMITTEE ROOM,
AUSTIN, April 6, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared

Substitute Senate bills Nos. 79, 91, 92, and House bill 636, being "An act to create a more efficient road system for the State, and authorize the employment of road commissioners, define their duties and powers, fixing a penalty for failure of duty and further define the duties and powers of the commissioners' court,"

And find the same correctly en-

rolled, and have this day, at 11:10 o'clock a. m., presented the same to the Governor for his signature.

DAVIS,
Chairman.

COMMITTEE ROOM,
AUSTIN, April 5, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 169, being "An act to provide for the survey, classification and disposition of the lands embraced in chapter 19 of the General Laws of the Sixteenth Legislature, approved February 25, 1879,"

And find the same correctly enrolled, and have this day, at 11:10 o'clock a. m., presented the same to the Governor for his signature.

DAVIS,
Chairman.

MESSAGES FROM THE GOVERNOR.

The following messages were received from His Excellency, the Governor.

To the Honorable Senate and House of Representatives of the State of Texas:

GENTLEMEN—Having reached the time for adjournment at the conclusion of the labors of the session, during which you have so diligently devoted your services to matters of public business; the people are left to pass unbiased judgment upon the results achieved, or failures that may have ensued; and while you may not have accomplished all that you desired, or can reasonably hope to have met all the demands and expectations of the people, you have guarded the public interests intrusted in your hands, with the same jealousy and care that you would your own private affairs, and have shown a reverence for all interests and a respect for all rights.

Your duties and responsibilities have been great; and at every stage of progress there were new perplexities to encounter, new labors to perform and new difficulties to surmount, opening wide a constantly expanding field, in which was room for the exercise of the highest order of abilities; and the most diversified and extensive knowledge to secure beneficent results to the varied interests of a State that is an empire in extent, without working an injury to any section or class of individuals.

And while engaged in shaping legislation, there has been an inflexible purpose founded upon sound convictions on the part of each member, to represent the interests and wishes of his immediate constituency with earnestness and zeal; causing you at times to travel in diverging lines and to vest in opposite conclusions; it is a matter of hearty congratulation, that your daily discussions have so generally been conducted with that decorum, and legislative courtesy becoming the representatives of a great people.

And, as you separate to return to the shelter of your homes, I cannot refrain from extending to you individually and collectively, my sincere thanks for the uniform kindness and respect you have accorded me, and the assurance that you bear my warmest regards, and earnest desire for your future success and happiness.

L. S. Ross,
Governor.

To the Honorable Senate and House of Representatives:

GENTLEMEN—I have the honor to transmit herewith a further list of the bills which I have signed, or which have become a law without my signature.

Respectfully,
L. S. Ross,
Governor.

Joint resolution to amend section 9, article 8, of the Constitution of the State of Texas, approved April 6, 1889.

Substitute House bill No. 167, "An act to provide for the inspection of refined oils which are the product of petroleum and which may be used for illuminating purposes within this State, and to regulate the sale and use thereof; and to provide penalties for the violation of the same, approved April 5, 1889."

Substitute Senate bill No. 55, "An act to provide for the speedy and efficient enforcement of the lien of mechanics, contractors, sub-contractors, builders, laborers and material men, and repeal all existing and parts of laws in conflict with the provisions of this act, approved April 5, 1889."

House bill No. 515, "An act to amend article 3249 of chapter 2, and articles 3293, 3294, 3295, 3304, 3306, 3307, 3308, 3318, 3327 and 3329 of chapter 4, (militia law,) Re-

vised Statutes of the State of Texas, and to repeal articles 3319, 3320, 3321, 3322, 3323, 3324, 3325 and 3326, chapter 4, of said militia laws, approved April 5, 1889."

Senate bill No. 375, "An act to amend article 1056, chapter 2, title 15 of the Code of Criminal Procedure, as amended by an act of the Eighteenth Legislature, approved April 12, 1883, approved April 6, 1889."

House bill No. 125, "An act to regulate the practice of pharmacy in the State of Texas, and providing penalty for the enforcement of the same, approved April 6, 1889."

House bill No. 396, "An act to amend article 4520, title 91, chapter 1 of the Revised Civil Statutes of the State of Texas, approved April 6, 1889."

House bill No. 500, "An act to authorize the Commissioner of Agriculture, Insurance, Statistics and History to sell certain weights and measures, approved April 6, 1889."

House bill No. 516, "An act to amend an act to provide for the separation or partition of adjoining fences and to provide a penalty for the violation of the provisions of this act, passed by the Twentieth Legislature of the State to Texas, approved March 17, 1887; approved April 6, 1889."

House bill No. 618, "An act to record certain certified transcript from justices' courts in the same manner and with like effect deeds are admitted to record, approved April 6, 1889."

House bill No. 84, "An act to amend section 3 of an act entitled an act to amend article 4662, 4664 and 4665, chapter 1, title 95, of the Revised Civil Statutes, as amended March 24, 1881, approved May 4, 1882; approved April 6, 1889."

Senate bill No. 127, "An act to require butchers and slaughterers of cattle to give a bond and prescribe a penalty for violating the condition of the same, and to prevent the unlawful slaughtering and selling of cattle, approved April 6, 1889."

Substitute Senate bills Nos. 79, 91, 92 and House bill No. 636, "An act to create a more efficient road system for this State, and authorizing the employment of road commissioners, defining their duties and powers and fixing a penalty for failure of duty, and

further defining the duties and powers of county commissioners' courts, approved April 6, 1889."

House bill No. 633, "An act to amend article 975, title 24, of the Revised Civil Statutes of the State of Texas, approved April 5, 1889."

Substitute House bill No. 471, "An act to validate certain notarial acts in the State of Texas, approved April 5, 1889."

House bill No. 681, "An act to repeal chapter 57 of the acts of the Twelfth Legislature, approved April 11, 1871, entitled an act to incorporate the city of Groesbeeck, in Limestone county, Texas, approved April 5, 1889."

Substitute Senate bill No. 188, "An act to provide for the payment of the bonds of the State issued under an act of the Legislature, approved August 5, 1870; approved April 5, 1889."

House bill No. 307, "An act to regulate the presentation and collection of personal services, or labor, or for damages, or for overcharge on freight, against railway corporations doing business in this State, in case where the amount claimed does not exceed fifty dollars and to fix the measure of damages recoverable in certain of such cases, approved April 5, 1889."

Substitute House bill No. 348, "An act to amend section 1 of an act to provide for the sale of such appropriated public lands situated in organized counties of the State of Texas as contain not more than 640 acres, approved April 5, 1889."

House bill No. 453, "An act to create and establish boards of health in the unincorporated towns and villages of Texas, approved April 5, 1889."

Senator Tyler offered the following resolution:

Resolved, That the thanks of the Senate are hereby extended to the Hon. H. D. McDonald, Senator from Lamar, for the able and impartial manner in which he has presided over the Senate when called to the chair as President pro tem.

On motion of Senator Pope,

The resolution was adopted by a unanimous vote.

Senator Kimbrough moved to allow the Sergeant-at-Arms to retain Lem Chambers for two days as porter, and that he be entitled to receive \$2 per day for his services.

Adopted.

The hour having arrived for adjournment, the President said:

Senators—The time for adjournment has arrived. I can not let this occasion pass without expressing to the members of this body my sincere thanks for their uniform courtesies during this entire session. No body of men, including senators, officers and employes, ever treated their presiding officer with greater kindness. You have had a long and laborious session. As your presiding officer I can truthfully testify that collectively and individually you have been attentive, industrious and faithful in the performance of what you deemed to be your duty to your immediate constituents as well as the state at large. No person who has not attempted it, can ever imagine the difficulty of enacting laws suited to a State of such varied interests. It is necessary that the legislator should possess great patience, forbearance, industry, conservatism and patriotism. You have indicated by your labors that you possess in an eminent degree, those essential qualities.

While you have differed widely on important questions, and each senator has worked industriously to sustain his position, your entire conduct towards each other has been tempered with that forbearance, patience and conservatism, which always control the wise legislator. Even in the heated discussions you have not forgotten that every senator has a right to his opinion, without being censured or ostracised by those who differ from him. For this fairness and the fraternal feelings I wish to congratulate you. As long as liberty of thought and individual action are preserved our freedom as a people will be perpetuated.

We now separate perhaps never to meet again in the same official capacity. When you return to your homes I hope you will find your loved ones enjoying good health, and that those homes may ever be blessed with peace, plenty and happiness. If you retire to private life, I hope that life may be blessed with contentment and prosperity. If you aspire for public office, I trust the people will bestow those honors on you, which you so justly deserve, until your ambition is completely satiated. Again, I thank you for your uniform courtesy and kindness, and now bid you an affectionate farewell.

The session was closed with prayer by the Chaplain, Dr. Smoot, and

The President declared the Senate adjourned sine die.